

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

**IN RE: ETHICON PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY
LITIGATION**

**CIVIL ACTION NO. 2012-md-02327
MDL No. 2327**

Hon. Judge Joseph R. Goodwin

This document applies to:

**Maria Lourdes Nunez v. Ethicon, Inc., et. al.
Civil Action No.: 2:14-cv-13580**

**PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION FOR ORDER REGARDING
DISPOSITION OF NON-REVISION GYNECARE TVT PRODUCTS CASES**

COMES NOW Plaintiff, MARIA LOURDES NUNEZ, and files this Response to Defendants' Motion For Order Regarding Disposition of Non-Revision Gynecare TVT Products Cases, and in support thereof would most respectfully show unto the Court the following, to-wit:

1. On March 2, 2018, Ethicon filed Defendants' Motion for Order Regarding Disposition of Non-Revision Gynecare TVT Cases (Doc. 5313) which proposes a disposition of cases in which the plaintiff has not undergone a revision procedure. Accompanying the Motion as Exhibit A is a list of cases that Ethicon maintains are cases in which the plaintiff has a Gynecare TVT product implanted and has had no revision procedure performed.

2. The above-named Plaintiff is included in Ethicon's list of plaintiffs who have not undergone a revision procedure and is improperly including in Ethicon's Motion. Plaintiff would show that Maria Lourdes Nunez has indeed undergone a surgical revision procedure performed on January 17, 2014 by Dr. Michael Hulse at North Georgia Medical Center. Plaintiff has previously provided properly documented medical records and a Plaintiff Profile Form

attesting to the revision procedure. Plaintiff's counsel has informed Ethicon that the above-named Plaintiff is improperly included in Defendants' Motion pertaining to non-revision cases. Plaintiff files this Response to preserve her claim and avoid dismissal to the extent that Ethicon's Motion is granted. By this Response, Plaintiff requests that the Court enter its Order excluding Plaintiff from Defendants' alleged non-revision cases.

Respectfully submitted,
/s/ Michael E. Gallant
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CERTIFICATE OF SERVICE

I, MICHAEL E. GALLANT, do hereby certify that I have on this day electronically filed the foregoing Response with the Clerk of the Court using the CM/ECF filing system which sent notification of such filing to the CM/ECF participants registered to receive service in this MDL.

SO CERTIFIED, this the 19th day of March, 2018.

/s/Michael E. Gallant
MICHAEL E. GALLANT